

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

MICHAEL MEYERS, *et al.*,

Plaintiffs,

v.

BHI ENERGY SERVICES, LLC, *et al.*,

Defendants.

Lead Case No. 1:23-cv-12513-LTS

**JOINT STIPULATION TO STAY
CASE DEADLINES PENDING UPCOMING MEDIATION**

Plaintiffs Michael Meyers, Daniel Muske, Gary Kaplan, Kim Wever, Joshua Pyfrom, Richard Deschamps, Lashawntae Washington, and Ted Melton (collectively, “Plaintiffs”) and Defendants BHI Energy Services, LLC and BHI Energy I Specialty Services, LLC (collectively, “Defendants”) hereby agree and stipulate that case deadlines be temporarily stayed pending a mediation scheduled for May 7, 2024. In support of this Joint Stipulation, the parties state as follows:

1. On October 24, 2023, Plaintiff Richard Rose (“Plaintiff”) filed a Class Action Complaint against Defendants (the “*Rose* Complaint”). Doc. No. 1.
2. On October 26, 2023, Defendants were served with a Summons and copy of the *Rose* Complaint. Doc. No. 9.
3. Five substantially similar putative class action lawsuits were subsequently filed against Defendants in this District. *See Pyfrom v. BHI Energy Services, LLC, et al.*, No. 1:23-cv-12532-RWZ (D. Mass. filed Oct. 25, 2023); *Deschamps v. BHI Energy Services, LLC, et al.*, No.

1:23-cv-12555-RGS (D. Mass. filed Oct. 27, 2023); *Washington v. BHI Energy Services, LLC, et al.*, No. 1:23-cv-12577-LTS (D. Mass. filed Oct. 27, 2023); *Kaplan, et al. v. BHI Energy Services, LLC, et al.*, No. 1:23-cv-12589-LTS (D. Mass. filed Oct. 30, 2023); *Wever, et al. v. BHI Energy Services, LLC, et al.*, No. 1:23-cv-12626 (D. Mass. filed Oct. 31, 2023).

4. Following a motion by Plaintiffs, the Court consolidated the related actions, designated the *Rose* action as the “Lead Case,” and appointed Interim Class Counsel and Interim Liaison Counsel. Doc. No. 16.

5. Thereafter, the Court entered an Order setting an initial case schedule for the consolidated action, which provided deadlines for (a) Plaintiffs to file a Consolidated Class Action Complaint, (b) Defendants to respond to the Consolidated Class Action Complaint, and (c) for briefing on any motions to dismiss or similar motions filed by Defendants in response to the Consolidated Class Action Complaint. Doc. No. 23.

6. Pursuant to the case schedule, Plaintiffs filed a Consolidated Class Action Complaint on December 23, 2023. Doc. No. 24.

7. On January 29, 2024, Defendants filed a Motion to Dismiss Plaintiffs’ Consolidated Class Action Complaint (Doc. No. 26) and a Motion to Strike Class Action Allegations from Plaintiffs’ Consolidated Class Action Complaint (Doc. No. 29). Under the current case schedule, Plaintiffs’ oppositions to Defendants’ motions are due on or before March 14, 2024.

8. During the Local Rule 7.1(a)(2) meet and confer preceding the filing of Defendants’ motions, the parties discussed the possibility of settlement talks and the exchange of informal discovery to facilitate a potential early resolution of the case.

9. The parties have now scheduled an in-person formal mediation to take place in Chicago, Illinois on May 7, 2024, with JAMS mediator, the Hon. Wayne R. Andersen.

10. To conserve the resources of the Court and the parties, the parties agree and jointly request that the case and all litigation deadlines, including Plaintiffs' right to amend their complaint, be temporarily stayed to allow time for the parties to exchange information and participate in the May 7, 2024 mediation session.

11. Because cases of this complexity often are not resolved within a single day of mediation, the parties agree and jointly propose that the case be stayed pending their submission of a joint report on the status of their mediation efforts, to be submitted by May 21, 2024, 14 days after the mediation takes place.

12. In the event the mediation is unsuccessful in resolving the consolidated actions, the parties agree to submit a proposed case schedule with their May 21, 2024 joint status report, which will set forth relevant deadlines, including deadlines to complete briefing on Defendants' Motion to Dismiss Plaintiffs' Consolidated Class Action Complaint (Doc. No. 26) and Motion to Strike Class Action Allegations from Plaintiffs' Consolidated Class Action Complaint (Doc. No. 29) (*i.e.*, for Plaintiffs to file responses in opposition to the motions and for Defendants to file replies in support of the motions) and/or, as applicable, deadlines for Plaintiffs to file an Amended Consolidated Class Action Complaint and for Defendants to respond to any such Amended Consolidated Class Action Complaint.

13. **WHEREFORE**, the parties respectfully request that the Court endorse and approve this Joint Stipulation by temporarily staying all litigation deadlines and entering the following schedule:

- (a) All deadlines currently pending in these Consolidated Actions shall be stayed pending the parties' scheduled mediation;
- (b) The parties shall file a joint status report and update on their mediation efforts by May 21, 2024; and
- (c) In the event the mediation is unsuccessful in resolving the claims, the parties shall submit an agreed-upon proposed case schedule, which shall include deadlines: (1) for the completion of the briefing on Defendants' Motion to Dismiss the Consolidated Class Action Complaint and Motion to Strike Class Allegations from Plaintiffs' Consolidated Class Action Complaint; and/or, if applicable, (2) for Plaintiffs to file an Amended Consolidated Class Action Complaint and for Defendants' to respond to any such Amended Consolidated Class Action Complaint.

SO ORDERED:

Dated: _____

Hon. Leo T. Sorokin
United States District Judge

Respectfully submitted,

PLAINTIFFS,

By their attorneys,

/s/ A. Brooke Murphy

A. Brooke Murphy (admitted *pro hac vice*)

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Respectfully submitted,

BHI ENERGY SERVICES, LLC and
BHI ENERGY I SPECIALTY SERVICES,
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By their attorneys,

/s/ Robert W. Sparkes, III

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** pro hac vice application forthcoming*

LOCAL RULE 7.1(a)(2) CERTIFICATION

The undersigned hereby certifies that counsel for the Parties have conferred regarding the issues presented in this joint stipulation and all Parties have assented to the relief requested herein.

/s/ A. Brooke Murphy

A. Brooke Murphy

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on February 9, 2024.

/s/ A. Brooke Murphy

A. Brooke Murphy